ICHRe's activities following the declaration of the state of emergency in Palestine as a preventive measure to contain the outbreak of Covid-19
Background

Prior to the announcement of Covid-19 outbreak as a Pandemic by the World Health Organization on March 11th, 2020, President Abbas issued a presidential decree, on March 5th, declaring a state of emergency in Palestine for one month to fight the spread of the virus. The decree was followed immediately with a set of decisions by the Cabinet including a ban on movement except for absolute necessity and suspension of the educational institutions. Strict protective and precautionary measures have since been taken to prevent the spread of the virus, including shutting down all public places.

On April 3rd, 2020 the state of emergency was extended for one more month on 3 May 2020 to curb the spread of the novel coronavirus.

In its capacity as the National Human Rights Institute, ICHR role to promote and protect human rights in accordance with the Palestinian Basic Law, national legislation, Declaration of Independence and international human rights standards is needed more than ever during the state of emergency. Therefore, ICHR set all of its staff in full operation, while working from home, in monitoring, reporting and ensuring human rights standards are upheld and respected by Palestinian duty bearers.

ICHR’s emergency plan was prepared to cope with the emerging situation. The plan focused on the continuation of ICHR’s
core mission in the context of the State of Emergency as well as to address the emerging challenges. This brochure outlines ICHR’s major interventions during the pandemic.

1. Human Rights and the State of Emergency

As COVID-19 spread, the PA declared a state of emergency to slow down or stop its spread. At such times, fundamental rights including movement and assembly are being significantly limited. Moreover, it could be used as a basis to target particular groups, minorities, or individuals.

ICHR was very concerned by the PA’s declaration of the state of emergency and immediately issued a press release stressing the necessity to commit to article 111 of the Palestinian Basic Law which stipulates “it is not allowed to impose restrictions on fundamental rights and freedoms when declaring a state of emergency except to the extent necessary to fulfill the purpose stated in the decree declaring the state of emergency.” Following the press release, the Prime Minister contacted ICHR and wrote on his Facebook page that the emergency decree will not be used/abused outside the declared purpose and that the government is committed to respecting human rights and public freedoms.

On April 2020, ICHR addressed President Mahmoud Abbas regarding the necessity of continuing the preventive measures as recommended by the competent health authorities in light of
the Corona pandemic, but without extending the state of emergency after the end of its declared period in compliance with the provisions of the Basic Law. Furthermore, a series of guiding notes on various topics were issued with specific recommendations and guidelines related to those topics amid the state of emergency.  

II. Monitoring of Prisons and Detention Facilities

One of the most emerged ICHR’s concerns along with the outbreak of Covid19-, was the overcrowded places of liberty deprivation especially prisons in West Bank and Gaza. Immediately, ICHR initiated its high-level communications with the Prime Minister, the President’s councilor for legal affairs and the chairman of the High Judicial Council with the purpose of finding optimal solutions for the situation. Responding to ICHR urging efforts, a Presidential Decree on pardon was issued for those who spent half of their sentences according to specific criteria. Hence, 125 convicted prisoners were included in the pardon.

A meeting was held in Gaza with all central administrations of the detention centers, prisons, and safe houses, in addition to the military health services and Ministry of Interior. At the end of the meeting, an agreement was reached on measures to be taken regarding the detention centers. All of these measures were

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1. Addressed in details in the awareness raising section below.
implemented within 3-2 days as follows:
a. A policy was adopted to reduce the number of inmates. All inmates on the background of contractual obligations or minor cases were released on bail.
b. Only inmates that may constitute a danger on the society were kept in prisons.
c. The updated numbers of inmates are as follows in Gaza Strip:
   - 15 women out of 8, 55 juveniles out of 48, and every 10 inmates in all detention centers in middle governorates of the Gaza Strip were gathered in the same detention center.
   - Detention centers in the north, in Khan Younis and Rafah were emptied.
   - 420 inmates at Alkatebeh prison, 122 at northern Gaza Prison, 190 at Taybeh Prison, 573 inmates at the central Khan Younis prison, and finally 100-50 inmates at the internal security prison.
   - There is no overcrowding at prisons, their capacity can accommodate more 100-50 inmates.
   - Health measures were taken at prisons where sterilization is implemented twice to three times a day, relative/family visits were canceled and phone calls were increased.
   - One room at each prison was allocated for quarantine and each prison is complemented by an ambulance.
III. Complaints Handling

ICHR continued its complaints handling, especially those related to the State of Emergency, such as arbitrary arrest, abuse of power and those related to the conditions of quarantine. Complaints have been received through the phone or social media. ICHR shared leaflets containing the contact details of ICHR field officers in each governorate whether in the West Bank or in the Gaza

Since the declaration of the state of emergency, ICHR has received 85 complaints;

☆ In the West Bank, 21 complaints were received (17 complaints against security apparatuses and 4 complaints against civil institutions.)
Citizen Hala Al Safady, resident of Gaza Strip, filed a complaint about the denial of her right to custody of her 3-year-old son who was kidnapped by his father and about the suspension of judicial and Shari'a courts due to the precautionary measures to confront the Corona virus. ICHR addressed the President of the Supreme Council of Sharia Judiciary and requested to take exceptional measures to protect the legitimate rights of women, especially in relation to child custody. Consequently, the Supreme Council decided to resume the operation of Sharia courts (Family Courts) exceptionally to examine cases related to child custody with exceptional measures.

IV. Monitoring Quarantine Centers
ICHR has monitored carefully quarantine centers. For this purpose, a special form has been developed to monitor quarantine places to ensure that they are consistent with international quarantine standards. Its public outreach leaflets containing its contact details were disseminated on all quarantine places in the WB and Gaza.

Complaints received from quarantine centers were mainly around absence of doctors or lack of some services. Those needs were communicated with the quarantine centers’ supervisors immediately and were successfully fulfilled.

V. Monitoring Policies and Legislations
ICHR continued to closely monitor all measures, policies and legislations in the context of the state of emergency in both the West Bank and Gaza Strip.
In this regard, three letters regarding policies and legislations were sent to the following:
President Mahmoud Abbas and Prime Minister regarding two laws by decrees on the retirement of Ministers and called to cancel the laws and subject them to further study and consultations with all relevant parties. Consequently, the President canceled the laws. (Give dates and arrange the letters from first date to last date)

Head of the governmental committee against Covid19-regarding the quarantine procedures in Gaza Strip.

Head of the committee that follows up the governmental work in Gaza Strip to tighten the Covid19-precautionary measures following the discovery of two infected cases.

**Two position papers were issued:**

On April 2020, ICHR produced a position paper on “the Agreement of the Three Production Parties during the State of Emergency”. The agreement is between the Ministry of Labor, the Coordination Council of the Private Sector and the Labor Unions that was reached to mitigate protentional economic implications. With the purpose of providing social protection to the workers as explicitly laid out in the International Covenant on Economic, Social and Cultural Rights, ICHR through its position paper warned the parties from 5 problematic provisions contained in the agreement. ICHR held a consultative discussion on its position paper with the attendance of representatives of each party. Furthermore, ICHR addressed the Minister of Labor regarding
the agreement and called upon him to find mechanisms that protect the rights of workers and employers in light of the ongoing emergency, through State’s interventions.

On April 2020, Another position paper was issued on the local civil emergency committees that were formed in the context of confronting the emerging Covid19- pandemic in the West Bank. The emergency committees were formed by social initiatives or political parties’ decisions (mainly Fateh Party) and practiced prerogatives and powers that lie with official organs only. They played an important role in assisting the official agencies in implementing the preventive measures, especially in areas that are not subject to the full control of the PA due to restrictions imposed by the Israeli occupation authorities, as well as making great efforts in providing social assistance to the groups affected by the crisis. Nevertheless, ICHR warned against problems in the formation and operation of the local emergency committees, some of which amount to violations of citizens’ fundamental rights and freedoms. Furthermore, ICHR provided a set of recommendations related the work of these committees including their regulatory legal status, formation and code of conduct …etc.

Two fact sheets were produced on the following:

- Elderly people under Covid19- crisis
- Persons with Disabilities under Covid19- crisis
VI. Awareness Raising
ICHRR continued its awareness raising activities during the state of emergency focusing on rights of right holders and the obligations of duty bearers.

a. Four guiding notes were issued in cooperation with OHCHR

A series of guiding notes on various topics related to the state of emergency were issued, in cooperation with Office of High Commissioner for Human Rights in oPt and a third national partner/s, according to the topic. These included:

- "The Deprivation of Liberty amid the Outbreak of Covid-19" which briefly outlined specific obligations and recommendations on detention and the treatment of detainees amid the state of emergency following the outbreak of COVID19-in the State of Palestine. The note was prepared in cooperation with the Palestinian Ministry of Interior.

- "A Guidance Note on Women’s Rights During the COVID-19 Emergency" with specific recommendations and guidelines to ensure the full inclusion of women’s rights in all aspects of decision-making during the COVID19- emergency. It also included measures to address gender-specific vulnerabilities to be undertaken by all relevant government institutions, in partnership with civil society and the private sector, to ensure that emergency situation does not exacerbate existing gender
inequalities in Palestine. The note was prepared in cooperation with UN Women and Ministry of Women’s Affairs.


“The Rights of Persons with Disabilities Amid COVID-19” was prepared with specific recommendations on support and protection to be provided to persons with disabilities during the COVID19 response, and to ensure that appropriate measures are in place to maintain their active participation as well as to avoid discrimination at all levels against them. The note was prepared in cooperation with the Ministry of Social Development.

b. Two working papers were issued

“The Right to Work in Palestine during Covid-19”

“Hate Speech and Human Rights.”

c. Awareness raising on Social Media

All of the above-mentioned notes and working papers were used as reference documents for social media awareness raising materials.
In addition, ICHR produced two awareness-raising videos on “The Requirements for the Right to Health and Mental Health in Quarantine Centers” \(^2\) and “The Mandatory Quarantine Standards, and the Rights of those in Quarantine Places” \(^3\).

In cooperation with Palestinian Institute for Communication and Development, ICHR went Live on Facebook with an interview with Mr. Issam Younis, ICHR’s Commissioner General and Mr. Fathi Sabah, the Director of the Palestinian Institute for communication and development. The interview raised the awareness on the reality of the freedoms and their safeguards during the state of emergency. \(^4\)

d. Online Awareness Raising Workshops

ICHR conducted a series of online awareness raising workshops with several law faculties and legal clinics at Palestinian universities on various topics as follows:

- A seminar on rights and freedoms during the state of emergency to 25 participants from the legal clinic at Al-Quds University.
- A seminar on the right to health during the state of emergency to 40 participants from the legal clinic at Hebron University.
- A workshop on the safeguards of human rights during the state of emergency with 45 participants from Law Faculty at An-Najah National University. The seminar was conducted in

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\(^2\) Link to the video: https://www.facebook.com/ICHRP/videos/876532852808503/?rd=null&vh=e

\(^3\) Link to the video: https://www.facebook.com/ICHRP/videos/2329458854020133/

\(^4\) Link to the interview video: https://www.facebook.com/watch/live/?v=2329458854020133&ref=watch_permalink
cooperation with OHCHR oPt and Center for Defense of Liberties & Civil Rights "Hurriyat"

A workshop on the safeguards of human rights during the state of emergency with 35 participants from Law Faculty at Birzeit University. The workshop was conducted in cooperation with OHCHR oPt and Center for Defense of Liberties & Civil Rights "Hurriyat"

Furthermore, ICHR held a workshop on violence against women during the quarantine with the participation of representatives of human rights organizations, CSOs and specialized institutions on women affairs. The workshop discussed how to combat this violence and to ensure a safe home quarantine for women.

VII. Capacity Building and Training

Two online trainings were conducted as follows:

A training workshop on the medical treatment of prisons’ inmates during the state of emergency. The workshop targeted the medical workers at the interior security in Gaza.

A training targeted a group of journalists in Gaza, on the reality of the media freedoms amid the state of emergency in cooperation with the Palestinian Institute for Communication and Development.
VIII. An International and National Campaign to Advocate the Rights of Palestinian Prisoners in Israeli Prisons.

ICHR launched a campaign to advocate the rights of Palestinian prisoners in Israeli prisons. The campaign included the following:

- A letter on the situation of the Palestinian prisoners in Israeli prisons was sent to:
  - the UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967.
  - the Special Rapporteur on the right of everyone for enjoyment of the highest attainable standard of physical and mental health,
  - the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,
  - Mr. Michael Lynk - Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967,
  - to the Working Group on Arbitrary Detention.

ICHR called upon them to protect the lives of Palestinian prisoners, to take necessary measures to investigate if the Israeli occupying authorities and Israel Prison Service have taken the precautions and preventive measures needed to ensure safety and secure lives of Palestinian prisoners.

- Published a group of social media posts and videos focusing on the situation of the Palestinian prisoners in Israeli prisons.
A statement in which ICHR holds the Israeli occupation responsible for the lives of Palestinian prisoners and detainees in its prisons, while continuing arbitrary practices against them and violating their guaranteed rights under the principles of international humanitarian law and international human rights law.

**IX. ICHR bridges the Gap between the Government and the Civil Society.**

ICHR held an online meeting between the government represented by the Prime Minister and the representatives of CSOs to discuss the efforts paid by each party and mechanisms for better coordination and complementarity.

**X. A Webinar on Monitoring Places of Detention and “Do No Harm Principle”: from Theory to Practice.**

As the Chairman of the Arab Network for National Human Rights Institutions, ICHR coordinated with the Association for the Prevention of Torture and the Secretariat of the Arab Network for NHRIs the holding of a webinar on “Monitoring Places of Detention and “Do No Harm Principle”: from Theory to Practice”. The webinar is going to be held on May 11th, focusing on the precautionary measures and health considerations when monitoring impact of detention during the COVID-19 pandemic.